

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
Khenari Kessoon

Plaintiff,

-against-

The County of Nassau, et al.,

Defendant.
-----X

Rule 26(f) Report
CV () ()

23 CV 05365

Pursuant to Federal Rule of Civil Procedure 26(f), a meeting was held on 1/11/24 and was attended by:

Edward Sivin, counsel for plaintiff(s)

Thomas Ferris, counsel for defendant(s).

Counsel represent that, during the meeting, they engaged in a meaningful attempt to meet and confer on the matters outlined below.

1. INITIAL DISCLOSURES

Have the parties agreed to make initial disclosures?

☒ Yes ☐ No ☐ The proceeding is exempt under Rule 26(a)(1)(B).

If yes, such initial disclosures shall be made by 2/12/24.

2. VENUE AND JURISDICTION

Are there any contested issues related to venue or jurisdiction?

☐ Yes ☒ No

If yes, describe the issue:

If yes, the parties agree that any motion related to venue or jurisdiction shall be filed by _____.

3. PARTIES AND PLEADINGS

a. The parties agree that any motion or stipulation to amend the pleadings or to join additional parties shall be filed by 2/12/24.

b. If the case is a class action, the parties agree that the motion for class certification shall be filed by _____.

4. MOTIONS

Are there any pending motion(s)? _____ Yes ☒ No

If yes, indicate which party filed the motion(s), and identify the motion(s) by name and docket number:

5. ISSUES

Jointly provide a brief description of case, including causes of action set forth in the complaint, and indicate whether there is a jury demand (an attachment may be provided to complete this section):

Plaintiff's complaint alleges that on May 30, 2021, in the County of Nassau, Defendants P.O. Casey Quinn and P.O. James Friel, acting within the course and scope their employment with the Nassau County Police Department, subjected Plaintiff to an illegal traffic stop and illegal search and seizure. Plaintiff further alleges that Defendants then falsely arrested and maliciously prosecuted him. Plaintiff's lawsuit seeks compensatory damages, punitive damages, and attorney's fees based on state and federal causes of action. Plaintiff's complaint contains a jury demand.

Defendants deny plaintiff's allegations, and assert various affirmative defenses.

6. DISCOVERY PROCEDURES

a. The parties agree that all fact discovery shall be completed by 10/31/24. The parties agree to schedule their discovery in such a way as to require all responses to discovery to be served prior to the cut-off date, and to file any motions relating to discovery within the discovery period unless it is impossible or impractical to do so. If, after having met and conferred, the parties are unable to reach an agreement on any matter related to discovery, they may seek the Court's assistance by letter motion pursuant to Local Rule 37.3 and in accordance with Judge Lindsay's Individual Rules.

b. Do the parties anticipate the production of ESI? _____ Yes ☒ No¹
If yes, describe the protocol for such production:

c. Do the parties intend to seek a confidentiality order or claw back agreement? ²
If yes, such order or agreement shall be filed with the Court by _____

¹ See attachment A.

² See attachment B.

7. DISPOSITIVE MOTIONS

Any party planning on making a dispositive motion must take the first step in the motion process by 1/31/25

8. EXPERT TESTIMONY

- a. Primary expert reports must be produced by 11/29/24.
- b. Rebuttal expert reports must be produced by 12/31/24.
- c. All expert discovery shall be completed by 1/31/25.

9. SETTLEMENT

Plaintiff(s) will make a settlement demand by 3/29/24.

Defendant(s) will respond by 4/29/24.

The parties agree to make a good faith effort to settle this case. The parties understand that this case will be referred to an attorney mediator, or to the Magistrate Judge, for a settlement conference. The Court refers cases to settlement throughout the year.

In order for the conference to be meaningful, the parties agree to complete all discovery that may affect their ability to evaluate this case prior to the settlement conference. The parties understand that they will be expected to comply fully with the settlement conference orders which require, *inter alia*, that settlement demands and offers be exchanged prior to the conference and that principals of the parties attend the conference.

10. RULE 16 PRETRIAL CONFERENCE

Upon receipt of this Form the court will schedule a Rule 16 conference by telephone.

11. CONSENT TO MAGISTRATE JUDGE

Do the parties consent to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c)

 Yes ✓ No

12. OTHER MATTERS

Indicate any other matters for the Court's consideration:

- 13. Once approved any request for modification of this scheduling order must be in writing, and submitted in accordance with the undersigned's Individual Rule 1 (D) which requires that applications be made at least forty-eight hours before the scheduled appearance or deadline.

All parties are advised that they are under a continuing obligation to keep the Court apprised of any changes in their contact information including, but not limited to, their

addresses. Failure to do so could lead to the entry of a dismissal or default.

Dated:

[To be signed by Counsel]